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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,249	12/21/2001	Kenichi Fujii	1232-4804	6640
27123	7590	02/09/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			FERGUSON, KEITH	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/032,249	Applicant(s) FUJII ET AL.	
	Examiner Keith T. Ferguson	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,6,7,9,11-15,17,18 and 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8,10,16 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1,2,5,8,10,16 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1,2,5,8,10,16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al. in view of Raith, newly recited reference.

Regarding claim 1, Takeda et al. discloses a wireless communication system (fig. 11) comprising a public base station (fig. 11 number 902) and a wireless communication apparatus (mobile station) (fig. 11 number 901), and the public base station controls transmission timing (synchronization timing) for transmitting a control signal (synchronization) from the wireless public base station to the wireless communication apparatus (col. 1 lines 35-67, col. 3 lines 20-40 and col. 7 lines 25-45). Takeda et al. differs from claim 1 of the present invention in that it does not explicit disclose wherein the communication system resets transmission timing for retransmitting of a control signal transmitted from the base station and addressed

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to the wireless communication apparatus in case where the transmission of the control signal from the base station and addressed to the wireless communication apparatus fails. Raith teaches a wireless communication network (fig. 1) that reset a B key timing (time slot) for re-synchronizing a mobile station B key after synchronization is lost or out of synchronization (failed) (col. 29 lines 1-8, col. 30 line 38 through col. 39 line 9 and col. 31 lines 45-50) . Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda et al. wireless communication system with wherein the communication system resets transmission timing for retransmitting of a control signal transmitted from the base station and addressed to the wireless communication apparatus in case where the transmission of the control signal from the base station and addressed to the wireless communication apparatus fails in order for the wireless communication system to control and resynchronize the mobile station when the mobile station is out of sync so that the mobile station knows when to power up, and power down which conserves power within the mobile station when communicating with the public base station, as taught by Raith.

Regarding claim 2, Takeda et al. discloses the base station controls the transmission timing in a case where informing the wireless communication apparatus of an incoming call (reception failures) is failed (col. 7 lines 25-45 and col. 10 lines 20-55).

Regarding claim 5, Takeda et al. discloses the base station controls the transmission timing in a case where an apparatus to be checked is designated by an incoming call (col. 10 lines 20-64) and the wireless communication between the wireless communication control apparatus and the addressed wireless communication apparatus related to the apparatus to be checked is out of order (synchronization lost)(col. 10 lines 20-64).

Regarding claims 8,16 and 19, Takeda et al. discloses a public base station (fig. 11 number 902) for controlling wireless communication with a wireless communication apparatus (mobile station) (fig. 11 number 901), comprising: informing means (i.e. transmission from the base station to the mobile)(col. 3 lines 20-43); and control means for controlling transmission timing for transmitting a control signal to the wireless communication

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apparatus when the communication apparatus is out of order (synchronization failure) (col. 3 lines 20-43 and col. 10 lines 20-64). Takeda et al. differs from claim 8 of the present invention in that it does not explicit disclose reset means for resets transmission timing for retransmitting of a control signal transmitted from the base station and addressed to the wireless communication apparatus in case where the transmission of the control signal from the base station and addressed to the wireless communication apparatus fails. Raith teaches a wireless a base station within a wireless communication system (fig. 1) that reset a B key timing (time slot) for re-synchronizing a mobile station B key after synchronization is lost or out of synchronization (failed) (col. 29 lines 1-8, col. 30 line 38 through col. 39 line 9 and col. 31 lines 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda et al. wireless communication system with wherein the communication system resets transmission timing for retransmitting of a control signal transmitted from the base station and addressed to the wireless communication apparatus in case where the transmission of the control signal from the base station and addressed to the wireless communication apparatus fails in order for the base station within the wireless communication system to control and resynchronize the mobile station when the mobile station is out of sync so that the mobile station knows when to power up, and power down which conserves power within the mobile station when communicating with the public base station, as taught by Raith.

Regarding claim 10, Takeda et al. discloses a computer program for a public base station (fig. 11 number 902) comprising program steps of informing the wireless communication apparatus an incoming call in a case where the incoming call is received (col. 3 lines 20-43 and col. 10 lines 20-64); and controlling transmission timing for transmitting a control signal to the wireless communication apparatus when the wireless communication apparatus is out of order (synchronization failure) (col. 3 lines 20-43 and col. 10 lines 20-64). Takeda et al. differs from claim 10 of the present invention in that it does not explicit disclose resetting transmission timing for retransmitting of a control signal transmitted from the base station and addressed to the wireless communication apparatus in case where the transmission of the control signal from the base station and addressed to the wireless communication apparatus fails. Raith

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teaches a wireless a base station within a wireless communication system (fig. 1) that reset a B key timing (time slot) for re-synchronizing a mobile station B key after synchronization is lost or out of synchronization (failed) (col. 29 lines 1-8, col. 30 line 38 through col. 39 line 9 and col. 31 lines 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda et al. wireless communication system with wherein the communication system resets transmission timing for retransmitting of a control signal transmitted from the base station and addressed to the wireless communication apparatus in case where the transmission of the control signal from the base station and addressed to the wireless communication apparatus fails in order for the base station within the wireless communication system to control and resynchronize the mobile station when the mobile station is out of sync so that the mobile station knows when to power up, and power down which conserves power within the mobile station when communicating with the public base station, as taught by Raith.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marko et al. (U.S. patent 5,280,541) discloses a cordless telephone communication system link (abstract lines 1-18).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
February 1, 2006

KEITH FERGUSON
PRIMARY EXAMINEE
